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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,135	08/16/2001	Takanori Nishimura	212768US6	1259
22850	7590	02/06/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
DATE MAILED: 02/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/930,135	Applicant(s) NISHIMURA ET AL.	
	Examiner Michael D. Meucci	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>20051027</u> |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Request for Continued Examination (RCE) filed 07 November 2005.
2. A copy of the interview summary from 27 October 2005 is attached with this office action.

Specification

3. The abstract is objected to because it contains numerical references to the drawings. This objection may be overcome by removing the reference numbers or by putting the reference number in parentheses.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 -3, 9-11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,564,380 B1) in view of Sheridan (U.S. 5,760,917).
 - a. As per claims 1, 9, and 17, Murphy discloses a content distribution notification method, apparatus and program storage medium for storing a program to be executed by a reservation control apparatus, comprising: a reservation requesting step of sending

reservation request information, including desired service time to use the distribution server and contact addresses of clients who should be informed, that the content distribution will be preformed from the distributor terminal apparatus to the reservation control apparatus via a network (lines 34-40 of column 3, lines 30-35 of column 7, and lines 42-45 of column 11); and a notifying step of sending the notification information for notifying that the content distribution will be performed from said reservation control apparatus to the contact address of said clients via the network when the content distribution using said distribution server in said desired service time included in said reservation request information is permitted (lines 42-45 of column 11 and lines 27-34 of column 12).

Murphy does not explicitly teach: third party addresses, and notifying third parties. However, Sheridan discloses: "selecting, at a first terminal remote from the hub station, from among a plurality of possible access rights to generate a granted access right set which contains a set of access rights to the stored image set; transmitting from the first terminal to the hub station, the granted access right set in association with an electronic address for a third party; storing the granted access right set and an associated access identification at the hub station; automatically transmitting from the hub station to the third party electronic address: an electronic address for the hub station, a listing of the access rights of the granted set associated with the third party electronic address, and the access identification; transmitting to the hub station from a second terminal remote from the first terminal and hub station, the access identification and a request to access the image set in accordance with one of the granted access

rights. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include third party addresses and notify third parties.

"It would be desirable to provide a system with a central hub at which images in the form of image signals, can be stored, which allows a user to readily distribute the stored images to third parties at remote terminals, with limited access rights as desired by a user, and which automatically informs such third parties of the granting of the access rights and their limitations," (lines 11-17 of column 2 in Sheridan). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include third party addresses and notify third parties in the system as taught by Murphy.

b. As per claims 2 and 10, Murphy discloses content distribution notification method and reservation control apparatus, wherein said notification information includes access information for connection to said distribution server (lines 35-45 of column 3).

c. As per claims 3 and 11, Murphy discloses a content distribution notification method and reservation control apparatus, wherein reservation requesting step is to send reservation request information including authentication information for the client user to acquire a permission to access said distribution server, and said notification information includes said authentication information (lines 45-51 of column 10).

6. Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Sheridan as applied to claims 1 and 9 respectively, in view of Arai et al. (U.S. 6,751,401) hereinafter referred to as Arai.

a. As per claims 4 and 12, Murphy teaches a reservation system and method but does not explicitly teach a cancellation notification step of sending cancellation notification information from the reservation control apparatus to the contact addresses of said clients via a network.

However, Arai teaches a broadcast system which allows users to make a reservation for a target program in various ways, including a means for notifying the user of a failure of the reservation when the broadcasting of the program is canceled (lines 62-68 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have means for notifying the user of a reservation cancellation. "With this arrangement, the user can know the failure of the reservation," (lines 65-67 of column 4 in Arai. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to notify the user of a reservation cancellation in the system as taught by Murphy.

7. Claims 5, 8, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claims 1 and 9 respectively, in view of Nelson (U.S. 6,496,568 B1).

a. As to claims 5 and 13, Murphy teaches a reservation system and method but does not explicitly teach a notification step of sending change notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Nelson discloses: "The determination of whether an event requires notification could be processed by airline CMM interface 135 and/or the notifier and updater system 110," (lines 15-17 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a notification step for notifying users of changes in the reservation. "Processing continues to step 405 where the airline information is manipulated to determine whether there is a flight schedule event requiring notification, such as a change in gate, a flight cancellation or a flight delay," (lines 18-21 of column 6 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a notification step for notifying users of changes in the reservation, in the system as taught by Murphy.

b. As per claims 8 and 16, Murphy teaches a reservation system and method but does not explicitly teach that the notification be sent to the client's email address, which is designated as the contact address. However, Nelson teaches a real-time automatic notification system where the notification is provided through email (lines 64-66 of column 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide notifications through email. "Once notifier and updater system 110 identifies a notification event and has determined the set of customers to

notify, notifier and updater system 110 proceeds with the notification. Customers can be notified via an unlimited number of mechanisms, including interactive voice response messages over the telephone network, pages over a paging or cellular network, email, or even make such notification available at a web site should the customer want to check the status of some event," (lines 7-15 of column 4 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated provide notifications through email in the system as taught by Murphy.

8. Claims 6- 7 and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claims 1 and 9 respectively, in view of Waytena et al. (U.S. 5,978,770) hereinafter referred to as Waytena.

As to claims 6-7 and 14-15, Murphy teaches a reservation system and method but does not explicitly teach of sending a notification to confirm the reservation via a network. However, Waytena teaches a system for assigning and managing patron reservations to one or more of plurality of attractions and also provides a confirmation notification (lines 11-17 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation. "A proposed reservation time is provisionally stored in a virtual queue and transmitted back to the PCD for confirmation or rejection by the patron. If the patron elects to confirm the proposed reservation time, the PCD transmits a confirmation message to the attraction computer

which confirms the reservation in the virtual queue. If the patron rejects the reservation or does not confirm it within a predetermined time period, the reservation is removed from the virtual queue and the proposed reservation time is released so that it may be made available to other patrons," (lines 17-27 of column 3 in Waytena). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation in the system as taught by Murphy.

Response to Arguments

9. All arguments were directed at newly claimed subject matter and have been addressed in the above rejections.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kusaba et al. (U.S. 6,510,556 B1) discloses a video distributing system and scheduling.

Fields et al. (U.S. 6,704,797, B1) discloses distributing image-based content on the internet and third party reservations.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER
2/2/09